

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – A.P. Civil Services (Executive Branch) Rules, 1992 – Sri L.Sharman Deputy Collector – Regularization of out of employment period from 28.01.1997 to 12.12.2006 as duty for al purposes in terms of Rule 17(e)(iv)(a) of A.P. State and Subordinate Service Rules – Orders – Issued.

Revenue (Services.I) Department

G.O. Ms. No. 38

Dated:7.01.2009.

Read the following :-

- (1) G.O. Ms. No. 58, Revenue (Ser.I/1) Department, dated 27.01.1997.
- (2) From the High Court of A.P. Judgment dated 25.02.2005 in W.P. No. 4754 of 2000.
- (3) G.O. Ms. No. 1526, Revenue (Vig.III) Department, dated 17.10.2006.
- (4) G.O. Rt. No. 2649, Revenue (Ser.I) Department, dated 12.12.2006.
- (5) Sri L.Sharman Special Deputy Collector LA Unit SC Railway Karimnagar Representation dated 21.03.2007.
- (6) From the District Collector – Karimnagar Letter No. A1/981/2007, dated 22.03.2007.
- (7) Government Memo. No. 16257/Ser.I(1)/2007, Revenue (Ser.I) Department, dated 19.06.2007.
- (8) From the District Collector – Karimnagar Letter No. A1/981/2007, dated 22.07.2007.
- (9) From the Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad Ref. No. D2/842/2007, dated 29.08.2007.

-:O:-

ORDER :-

Sri L.Sharman initially worked as Inspector in Customs and Excise Department. Subsequently, he was selected by the A.P. Public Service Commission for appointment as Deputy Collector by direct recruitment. After selection by A.P. Public Service Commission, he resigned the post of Inspector, Customs and Central Excise Department and joined as Deputy Collector (Category-II) of A.P. Civil Services (Executive Branch) Rules, 1992 on 02.03.1995 without his resignation being accepted by Customs and Excise Department. While he was working as Deputy Collector it was brought to the notice of the Government by the Deputy Inspector General, CBI Hyderabad that certain charges were leveled against the said individual Based on the report of the Deputy Inspector General CBI Hyderabad, orders were issued terminating the probation of Sri L.Sharman Probationary Deputy Collector w.e.f. 28.01.2007 in the G.O. Ms. No.58 Revenue Department dated 27.01.1997 first read above. Sri L.Sharman challenged the said orders before the A.P. Administrative Tribunal in O.A. No. 486 of 1997 which was dismissed in its Order dated 26.7.1999.

2. Aggrieved by the said orders of the Hon'ble A.P. Administrative Tribunal, Sri L.Sharman filed W.P. No. 4754 of 2000 before the High Court of Andhra Pradesh and the Hon'ble High Court in its Order dated 25.02.2005 second read above set-aside the order of termination of prosecution issued in the G.O. first read above and directed that the petitioner shall be deemed to be continuous in service with all attendant benefits if there was no termination. Later on Sri L.Sharman was acquitted from the criminal charge by Special Judge for C.B.I. Hyderabad in its Order dated 17.07.2001 and his resignation was also accepted by Central Government with retrospective effect i.e. 01.02.1995 in the Proceedings dated 17.08.2004.

3. In pursuance of the Judgment of the Hon'ble High Court in the aforesaid W.P. and also in view of the opinion of the Learned Advocate General, Andhra Pradesh, Hyderabad. Sri L.Sharman was reinstated into service as Deputy Collector with immediate effect in G.O. Ms. No. 1526 Revenue (Vig.III) Department, dated 13.10.2006 third read above, and he was given posting as Special Deputy Collector (LA) SC Railway Unit, Karimnagar in the G.O. fourth read above. Accordingly, he joined duty as Special Deputy Collector L.A. S.C. Railway Unit Karimnagar on 13.12.2006.

4. Sri L.Sharman has put in a representation fifth read above requesting to regularize the out of employment period from 28.01.1997 to 12.12.2006 as duty with all consequential benefits.

5. On the representation of Sri L.Sharman fifth read above, the Collector Karimangar and the Special Chief Secretary and Chief Commissioner of Land Administration in their letters 8th and 9th read above submitted a proposal to regularize the said out of employment period of Sri L.Sharman Special Deputy Collector as duty for all purposes in terms of General Rule 17(e)(iv)(a).

6. Government have examined the proposal of the Collector Karimangar and the Special Chief Secretary and Chief Commissioner of Land Administration and after careful consideration issue the following orders.

- (i) that, the out of employment period of Sri L.Sharman Special Deputy Collector from 28.01.1997 to 12.12.2006 be regularized as duty for all purposes in terms of General Rule 17(e)(iv)(a).
- (ii) that, the date of commencement of probation of Sri L.Sharman shall be with effect from 02.03.1995 i.e. the date of joining as Deputy Collector on selection by A.P. Public Service Commission in terms of General Rule 16(a).
- (iii) that, the seniority of Sri L.Sharman Deputy Collector be determined as per the ranking assigned by the A.P. Public Service Commission at the time of selection in terms of General Rule 33(b).
- (iv) that, for declaration of probation of Sri L.Sharman, since he joined as Probationary Deputy Collector on 02.03.1995 and his probation was terminated w.e.f. 28.01.1997, there is a shortfall of more than 30 days for completion of requisition period of probation, he shall be declared to have satisfactorily on 17.01.2007 in terms of General Rule 18 by calculating the shortfall of 34 days i.e. one month and four days from the date of his rejoining duty on 13.12.2006 as shown in the Annexure to this Order.

7. The Chief Commissioner of Land Administration, Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.Samuel

Principal Secretary to Government

To

The Chief Commissioner of Land Administration, Hyderabad.

Sri L.Sharman Deputy Collector

(thro' Collector Karimnagar)

The District Collector - Karimnagar

Copy to:

The G. A (Ser.D) Dept.

The Fin. (PC.I) Dept.

The Revenue (Vig.III) Dept.

SF / SC.

(continued Annexure)

ANNEXURE
(G.O. Ms. No. 38, Revenue (Ser.I) Department dt: 07-01-2009)

| | | | | |
|-----|---|----------|----------|------------------|
| 1 | Date of joining | | | 02-03-1995 |
| 2 | He would have completed his requisite period of probation in normal course | | | 02-03-1997 |
| 3 | His probation was terminated | | | 28-01-1997 |
| 4 | There was a shortfall of more than 30 days (one month and four days) for completion of the requisite period of probation of two years as calculated below: | | | One month 4 days |
| | Years | Months | Days | |
| | 1997 | 03 | 02 | |
| (-) | 1997 | 01 | 28 | |
| | 0 | 1 | 4 | |
| | Date of re-joining | | | 13-12-2006 |
| (+) | Short fall period | | | 04-01-0000 |
| | Probation declared on | | | 17-01-2007 |

SECTION OFFICER